

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #2	CCRB Case #: 202103013	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/29/2019 4:15 AM	Location of Incident: 41st Precinct Stationhouse	Precinct: 41	18 Mo. SOL 12/29/2020	EO SOL 8/15/2021	
Date/Time CV Reported Sat, 06/29/2019 4:03 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 06/29/2019 4:03 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Abel Dupres	13626	963498	041 PCT
2. POM Oscar Fernandez	23813	963028	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Azad Mahmood	02538	945944	MED DIV
2. POM Kyle Oleary	09033	953198	041 PCT
3. POM Trevor Singh	17598	962107	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Oscar Fernandez	Abuse: Police Officer Oscar Fernandez did not process § 87(2)(b) s complaint regarding officers.	
B.POM Abel Dupres	Discourtesy: Police Officer Abel Dupres spoke discourteously to § 87(2)(b)	

### Case Summary

On June 29, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On June 29, 2019 at approximately 4:10 AM, § 87(2)(b) went to the 41st Precinct stationhouse to file a complaint about officers involved in an incident that occurred earlier that day (that incident was investigated in case number § 87(2)(b)). § 87(2)(b) spoke with Police Officer Oscar Fernandez of the 41st Precinct, who was sitting at the desk. She told him she wanted to file a complaint about officers and he told her to go back to her apartment because a sergeant was there (**Allegation A: Abuse of authority – Refusal to process civilian complaint, § 87(2)(g)**). § 87(2)(b) refused to leave the stationhouse and Police Officer Abel Dupres of the 41st Precinct told her, “Get the fuck out of the precinct” (**Allegation B: Discourtesy – Word, § 87(2)(g)**). § 87(2)(b) left the stationhouse and went home, but she did not see a sergeant when she returned. No civilians were arrested or summonsed during the incident.

No video footage was found for this incident and the nature of the incident did not require the use of BWC as per the Patrol Guide. Two cell phone photos were provided by § 87(2)(b) which are attached in IAs #12, #16, and #17 (**BR 01; BR 02; BR 03**) and are summarized in IA #126 (**BR 06**).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Oscar Fernandez did not process § 87(2)(b)'s complaint regarding officers.**

**Allegation (B) Discourtesy: Police Officer Abel Dupres spoke discourteously to § 87(2)(b).**

On July 8, 2019, § 87(2)(b) was interviewed at the CCRB (**BR 04**). Police Officer Dupres was interviewed on January 12, 2021 (**BR 05**) and Police Officer Fernandez was interviewed on July 7, 2021 (**BR 10**).

§ 87(2)(b) stated that she spoke to Police Officer Fernandez, who was sitting behind the desk, when she got to the stationhouse. She told him about an incident that occurred earlier that day involving police officers and stated she wanted to file a complaint about them. Police Officer Fernandez told § 87(2)(b) to go back to her apartment because a sergeant was there. § 87(2)(b) refused to leave the precinct until she received help from the officers. Police Officer Dupres told her, “Get the fuck out of the precinct,” multiple times. § 87(2)(b) left the stationhouse and returned home, but she did not see a sergeant there.

Police Officer Dupres stated he did not have an independent recollection of the incident. He denied refusing to file a complaint and stated he did not use profanity toward § 87(2)(b).

Police Officer Fernandez did not have an independent recollection of the incident. He did not recall Police Officer Dupres telling § 87(2)(b) “Get the fuck out of the precinct” and he denied refusing to process § 87(2)(b)'s complaint about officers.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one other CCRB complaint and has been named a victim in six other allegations (**BR 07**).

- § 87(2)(b)
- Police Officer Abel Dupres has been a member of service for four years and has been a subject in eight other CCRB complaints and 38 other allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Oscar Fernandez has been a member of service for four years and has been a subject in one other CCRB complaint and one other allegation, which was not substantiated. § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)
- (BR 09).
- As of May 25, 2021, no Notice of Claim has been filed regarding this incident (BR 08).

Squad: 2

Investigator:	<u>Inv. Dean</u> Signature	<u>Inv. Dean</u> Print Title & Name	<u>7/7/21</u> Date
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Squad Leader:	<u>AOA</u> Signature	<u>IM Alexander Opoku-Agyemang</u> Print Title & Name	<u>7/7/2021</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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